

EHB 2209

1 THE STATE SENATE  
2 Tuesday, March 25, 2008

3 ENGROSSED

4 House Bill No. 2209

5 ENGROSSED HOUSE BILL NO. 2209 - By: Wright and Collins of the House  
6 and Aldridge of the Senate.

7 An Act relating to sunset; amending 11 O.S. 2001, Section  
8 51-104, as amended by Section 1, Chapter 23, O.S.L. 2007 (11  
9 O.S. Supp. 2007, Section 51-104), which relates to the  
10 Public Employees Relations Board; re-creating the Board; and  
11 modifying termination date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 11 O.S. 2001, Section 51-104, as  
14 amended by Section 1, Chapter 23, O.S.L. 2007 (11 O.S. Supp. 2007,  
15 Section 51-104), is amended to read as follows:

16 Section 51-104. A. There is hereby re-created, to continue  
17 until July 1, ~~2008~~ 2012, in accordance with the provisions of the  
18 Oklahoma Sunset Law, Section 3901 et seq. of Title 74, the Public  
19 Employees Relations Board, which shall be composed of three (3)  
20 members appointed by the Governor, one of whom shall be designated  
21 as Chairman. The Chairman shall be appointed for a term of five (5)  
22 years, commencing from July 1, 1972. The other members shall be  
23 appointed for terms of one (1) and three (3) years, respectively,  
24 from July 1, 1972, but their successors shall be appointed for terms  
25 of five (5) years. Two members of the Board shall constitute a  
26 quorum. Any individual chosen to fill a vacancy on the Board shall

1 be appointed only for the unexpired term. The Chairman and members  
2 of the Board shall not receive a salary but shall receive  
3 compensation in lieu of expenses in the amount of Fifty Dollars  
4 (\$50.00) per day for any meeting or the conduct of official duties,  
5 whether acting singly or collectively.

6 B. To accomplish the objectives and to perform the duties  
7 prescribed by this article, the Board may subpoena witnesses, issue  
8 subpoenas to require the production of books, papers, records, and  
9 documents which may be needed as evidence of any matter under  
10 inquiry, and administer oaths and affirmations. In cases of neglect  
11 or refusal to obey a subpoena issued to any person, the district  
12 court of the county in which the investigations or the public  
13 hearings are taking place, upon application by the Board, may issue  
14 an order requiring such person to appear before the Board and  
15 produce evidence about the matter under investigation. A failure to  
16 obey such order may be punished by the court as a contempt.

17 C. Any subpoena, notice of hearing, or other process or notice  
18 of the Board issued under the provisions of this article may be  
19 served personally, by registered mail, or by leaving a copy at the  
20 principal office of the person required to be served. A return made  
21 and verified by the individual making such service and setting forth  
22 the manner of such service is proof of service, and a returned post

1 office receipt, when registered or certified mail is used, is proof  
2 of service.

3 D. The Board shall adopt, promulgate, amend, or rescind such  
4 rules as it deems necessary to carry out the provisions of this  
5 article. Public hearings shall be held by the Board on any proposed  
6 rule of general applicability designed to implement, interpret, or  
7 prescribe policy, procedure or practice requirements under the  
8 provisions of this article and on any proposed change to such  
9 existing rule. Reasonable notice shall be given prior to such  
10 hearings, which shall include the time, place, and nature of such  
11 hearing and the terms or substance of the proposed rule or the  
12 changes to such rule.

13 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-24-08  
14 - DO PASS.